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February 9, 1999

Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Washington, DC 20554

**RECEIVED**  
**FEB - 9 1999**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: Texas RSA 7B3, Inc. d/b/a Peoples Cellular; Request for Waiver of  
Section 20.18(e) of the Commission's Rules; CC Docket No. 94-102**

Dear Ms. Salas:

Transmitted herewith, on behalf of Texas RSA 7B3, Inc. d/b/a Peoples Cellular ("Licensee"), and pursuant to §1.3 of the Federal Communications Commission's ("Commission") rules and the invitation of the Commission's Wireless Telecommunications Bureau in its December 24, 1998 Public Notice (DA 98-2631) entitled "Wireless Telecommunications Bureau Outlines Guideline for Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II Automatic Location Identification Requirements," we hereby submit the original signature page original for Licensee's Request for Waiver of Section 20.18(e) of the Commission's rules. The original signature was not available for filing on February 4, 1999. We have attached a date-stamped copy of the submission which bears a facsimile signature as proof of timely filing.

Should you have any questions concerning this matter, please communicate directly with the undersigned.

Sincerely,

*Michael N. Bennet*

Michael R. Bennet

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Licensee supports the FCC's efforts to facilitate the provision of enhanced 911 services to all Americans, and is fully committed to bringing the benefits of E911 to its subscribers. However, the E911 characteristics that are important to Licensee's rural residents differ significantly from those desired by residents residing in urban, suburban and less rural areas served by other carriers. For example, ALI accuracy of the degree required by Section 20.18(e) may be critical to locating a 911 caller in a dense urban environment. For a caller in a service area such as Licensee's, however, where the caller is one of two subscribers within a one mile area and there may be only one road traversing that area, such a high level of accuracy is simply unnecessary. It would be like using a telescope to locate the Washington Monument; it is simply unnecessary.

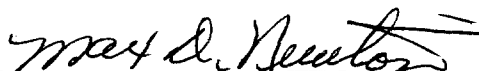
Where subscribers are located within a reasonably close proximity to each other, Licensee has cell sites within sufficiently close proximity to triangulate. Accordingly, Licensee may be able to meet the October 1, 2001 Phase II ALI deadline with respect to the most populated portion of its service area. It is only with respect to the remote unpopulated or sparsely populated portions of Licensee's service area that meeting the October 1, 2001 deadline may not be possible. Moreover, even without advanced ALI technology, Licensee should be able to locate a 911 caller anywhere in its service area more quickly than a Phase II compliant urban carrier will be able to locate a high rise dwelling 911 caller.

In sum, requiring Licensee to meet the October, 2001 deadline for ALI compliance is impractical, unnecessary and will not serve the public interest. Handset technology has not evolved to the point where changing out existing handsets on the scale envisaged by the Commission's requirements is either practical or economical. Imposing on Licensee the costs of compliance with a requirement that is simply unnecessary in sparsely populated rural environments will not serve the Commission's stated goal of improving public safety. Ironically, to the contrary, imposing such requirements on Licensee is simply likely to drive customers away from Licensee's cellular service, thereby denying them the very public safety benefits that attract many consumers to take wireless service in the first place.

For the foregoing reasons, Licensee submits that the requested waiver is in the public interest.

Respectfully submitted,

Texas RSA 7B3, Inc.

By   
Max Newton  
General Manager

February 4, 1999

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<sup>6</sup> As a cooperative owned entity whose members are its subscribers, Licensee is particularly cognizant of the importance of E911 to its subscribers.

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

**DATE STAMP  
AND RETURN**

In the Matter of )

Revision of the Commission's Rules )  
To Ensure Compatibility with )  
Enhanced 911 Emergency )  
Calling Systems )

CC Docket No. 94-102

**RECEIVED**  
**FEB - 4 1999**  
FEDERAL COMMUNICATIONS COMMISSION  
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To: **Wireless Telecommunications Bureau**

**Texas RSA 7B3, Inc. d/b/a Peoples Cellular Request for Waiver  
of Section 20.18(e) of the Commission's Rules**

Texas RSA 7B3, Inc. d/b/a Peoples Cellular ("Licensee"), pursuant to § 1.3 of the Rules and regulations of the Federal Communications Commission ("FCC" or "Commission")<sup>1</sup> and the invitation of the Commission's Wireless Telecommunications Bureau in its December 24, 1998 Public Notice (DA 98-2631) captioned "Wireless Telecommunications Bureau Outlines Guidelines for Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II Automatic Location Identification Requirements" ("Public Notice"), hereby requests a waiver of Section 20.18(e) of the Commission's Rules regarding Phase II enhanced 911 ("E911") services.

Licensee is a small, rural cellular carrier operating in the Texas 7B3 RSA. Section 20.18(e) of the Commission's Rules requires that, by October 1, 2001, cellular licensees provide to the designated Public Safety Answering Point ("PSAP") the location of all 911 calls by longitude and latitude such that the accuracy for all calls is 125 meters or less using a Root Mean Square methodology (hereinafter referred to as the Automatic Location Identification or "ALI" requirement). The ALI requirement is applicable, however, only if (1) the administrator of the designated PSAP has requested ALI services and is capable of receiving and utilizing the data elements associated with the service, and (2) a mechanism for recovering the costs of the service is in place. 47 C.F.R. § 20.18(f). Absent a waiver, or the nonoccurrence of either of the two aforementioned conditions, Licensee will be required to meet the requirements of Section 20.18(e). Because Licensee is uncertain at this point in time as to whether it will be capable of meeting those requirements, it is requesting herein that the Commission waive Section 20.18(e) with respect to Licensee.

Licensee commends the Bureau for issuing its Public Notice regarding Phase II implementation. The Public Notice serves as a useful reminder to the wireless industry of the

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<sup>1</sup> 47 C.F.R. § 1.3 (1996).

need to focus now on the steps needed to satisfy a distant implementation date. Unfortunately, because the October, 2001 implementation date is almost three years away, it is difficult for Licensee to know with certainty at this time whether it will be able to meet that deadline. However, for the reasons discussed below, Licensee doubts its ability to meet this deadline. Accordingly, it is requesting a waiver at this time.

Licensee is currently reviewing its options for providing Phase II E911 service. Licensee is considering both a network and handset based solution, each of which has distinct costs and problems associated with its use. Licensee's service area is sparsely populated (2 customers per square mile) and the cost of installing sufficient infrastructure to provide Phase II ALI to each of Licensee's customers would be exorbitant. Specifically, the cost of constructing additional cell sites to allow for triangulation capable of meeting the Commission's ALI requirement would be \$1,200,000.00. Additional cell sites would be required both in portions of Licensee's service area where towers are presently located too far apart to facilitate effective triangulation and along service area borders where directional antennas must be used in order to avoid interfering with cellular systems serving adjacent service areas.

The cost per subscriber of Licensee adopting a network-based solution will be approximately \$6.600. Because Texas has yet to adopt a cost recovery mechanism,<sup>2</sup> and therefore this cost at present cannot be recovered, it must by necessity be passed onto Licensee's subscribers in the form of higher rates. Such a rate increase is significant, and will result in many subscribers dropping their wireless service. Ironically, if existing and potential consumers of Licensee's wireless services deem such services too costly as a result of a Commission mandate to deliver ALI by October 1, 2001, and therefore elect not to utilize such services, much of the anticipated public interest benefit of expanded E911 capability may be lost. Simply put, the public interest costs (in terms of public safety) of requiring Licensee to make the investments necessary to meet the Commission's stated deadline outweigh the public interest benefits of the increased accuracy of E911 available to those subscribers still able to afford wireless service.

Because Licensee has yet to receive a request for Phase II service from a PSAP, and because Texas has yet to adopt a cost recovery mechanism, it is premature for Licensee to be making any final decisions as to its technological approach to meeting Phase II requirements. With E911 technology evolving rapidly, Licensee should not be required to commit to a particular technology until it is certain that it will be required to implement ALI. Absent a waiver, Licensee may be forced to invest in a technology which may be outmoded before Licensee is even required to implement it! Indeed, to the extent wireless carriers are forced to make a decision now as to how to meet the ALI requirement, the Commission's rules are hardly

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<sup>2</sup> While Texas law provides for retention of E911 fees, Licensee does not believe that as currently written it constitutes the cost recovery mechanism mandated by Section 20.18(f)

Licensee supports the FCC's efforts to facilitate the provision of enhanced 911 services to all Americans, and is fully committed to bringing the benefits of E911 to its subscribers.<sup>6</sup> However, the E911 characteristics that are important to Licensee's rural residents differ significantly from those desired by residents residing in urban, suburban and less rural areas served by other carriers. For example, ALI accuracy of the degree required by Section 20.18(e) may be critical to locating a 911 caller in a dense urban environment. For a caller in a service area such as Licensee's, however, where the caller is one of two subscribers within a one mile area and there may be only one road traversing that area, such a high level of accuracy is simply unnecessary. It would be like using a telescope to locate the Washington Monument; it is simply unnecessary.


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Should you have any questions concerning this matter, please communicate directly with the undersigned.

Sincerely,



Michael R. Bennet